IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 21957 of 2001

Between:

Dagumallivaripalem Adi Andhra Cooperative Collective Farming Society, rep.by its President Mr.M.Peterpaul, S/o.M.Anand Rao, Age:36 Yrs., Daggumallivaripalem, Baptla, Guntur District.

..... PETITIONER

AND

1. District Cooperative Officer, Guntur.
2. The Divisional Cooperative Officer, Tenali, Guntur District.
3. Sub-Divisional Cooperative Officer, Bapatla, Guntur District.
4. B.Venkataswamy S/o.Samuel, Age:38 Yrs., R/o.Highernagar, Bapatla Mandal, Guntur District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ, direction more particularly one in the nature of Mandamus, declaring the action of the respondents in not completing the enquiry into the disqualification of the fourth respondent as illegal, arbitrary and consequently direct the respondents 1 to 3 to complete the enquiry into the said aspect and to forbear from cooperation of the member to fill up the existing vacancy in the Managing Committee till the completion of enquiry.

Counsel for the Petitioner:MR.C.V.NAGARJUNA REDDY

Counsel for the Respondent No.: GP FOR COOPERATION

The Court made the following Order:

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Heard both the learned counsel and at their request, the writ petition itself is taken up for disposal.

Petitioner herein, who is President of the Society in question, filed this writ petition, inter alia, for a writ of Mandamus declaring the action of the respondents in not completing the enquiry in regard to the correctness of the admission of fourth respondent herein as Member of the Society.

The case of the petitioner is that the Members have filed a comprehensive representation on 13-4-2001 before second respondent, following by another representation to respondents 1 and 2 dated 29-5-2001. In spite of the same, nothing was enquired into nor any orders are passed thereon.

Having heard the submissions made on either side and on perusal of the material on record, it is not necessary to go into the merits of the case. Suffice to direct the second respondent to conduct enquiry on the representations and to dispose of the same.

Accordingly, this writ petition is disposed of directing second respondent to conduct enquiry in pursuance of the representations dated 13-4-2001 and 29-5-2001 and pass orders in accordance with law on its own merits, after giving notice and opportunity to both the parties and the two rival groups concerned. The entire exercise shall be done within a period of one month from the date of receipt of a copy of this order. No costs.

30—09—2004.

Stv/-

To

1. The District Cooperative Officer, Guntur.
2. The Divisional Cooperative Officer, Tenali, Guntur District.
3. The Sub-Divisional Cooperative Officer, Bapatla, Guntur District.
4. Two C.Cs. to the Government Pleader for Cooperation, High Court Buildings, A.P., Hyderabad, (OUT).

5. Two C.D.Copies.